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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FELTON HAYMAN,
Petitioner

v.

**COMMONWEALTH OF
PENNSYLVANIA, et al.,**
Respondents

: CIVIL ACTION
:
:
: No. 08-574
:
:
:

ORDER

JOHN P. FULLAM, J.

AND NOW, this 9th day of February, 2008, upon careful and independent consideration of the petition for a writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for a writ of habeas corpus is (A) GRANTED in part as to Hayman's conviction under the Pa. C.O.A. with execution stayed for 180 days to permit the Commonwealth of Pennsylvania to vacate the conviction and re-sentence Hayman accordingly; and (B) DENIED in part with prejudice as to his untimely claims.
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of the Court shall mark this case closed for statistical purposes.

BY THE COURT:


JOHN P. FULLAM, J.